

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MAINE

3 -----
4 UNITED STATES OF AMERICA, CRIMINAL ACTION

5 Plaintiff Docket No: 09-144-P-H

6
7 -versus- E X C E R P T

8
9 JAMES RAYMOND,

10 Defendant
11 -----

12 Transcript of Proceedings

13 Pursuant to notice, the above-entitled matter came on
14 for **TRIAL** held before **THE HONORABLE D. BROCK HORNBY**,
15 United States District Court Judge, in the United
16 States District Court, Edward T. Gignoux Courthouse,
17 156 Federal Street, Portland, Maine on the 20th day of
18 April, 2010 at 10:10 AM as follows:

19 Appearances:

20 For the Government: Craig M. Wolff, Esquire
21 Assistant United States Attorney

22 For the Defendant: Richard L. Hartley, Esquire

23 Dennis R. Ford
24 Official Court Reporter

25 (Prepared from manual stenography and
computer aided transcription)

1 (THE FOLLOWING IS AN EXCERPT)

2 MR. WOLFF: Your Honor, the Government calls
3 HXXXXX.

4 THE COURT: HXXXXX, please come all of the way
5 up to the front. Please go right up there by the
6 chair. Remain standing please and this woman will take
7 your oath.

8 THE CLERK: Please raise your right hand. Do
9 you solemnly swear that the testimony you will give in
10 the cause now in hearing will be the truth, the whole
11 truth, and nothing but the truth, so help you God?

12 THE WITNESS: Yes.

13 THE CLERK: Thank you. Please be seated.
14 Please pull yourself right up to this microphone and
15 state your first name only for the record, please.

16 THE WITNESS: HXXXXX.

17 THE COURT: Thank you. Go ahead, Mr. Wolff.

18 DIRECT EXAMINATION

19 BY MR. WOLFF:

20 Q HXXXXX, how old are you?

21 A 14.

22 Q And what town do you live in?

23 A Auburn.

24 Q And who do you live with?

25 A My mom, my brothers and my sisters.

1 Q How many brothers and sisters do you have?

2 A Two brothers and two sisters.

3 Q So there's five kids total?

4 A Um hum.

5 THE COURT: You have to say yes or no.

6 A Yes.

7 BY MR. WOLFF:

8 Q And what grade are you in?

9 A What?

10 Q What grade are you in?

11 A Eighth.

12 Q What school do you go to?

13 A Auburn Middle.

14 Q And before you went to Auburn Middle, do you
15 remember what school you went to?

16 A Park Avenue.

17 Q Do you remember what grades you were in at Park
18 Avenue for?

19 A Fifth and sixth.

20 Q HXXXXX, do you know the difference between truth
21 and a lie?

22 A Yes.

23 Q What happens to you if you tell a lie?

24 A You get in trouble.

25 Q If I were -- if I told you that I was standing

1 here wearing a purple suit, would that be a truth or a
2 lie?

3 A A lie.

4 Q HXXXXX, a couple of years ago, did you have some
5 trouble starting to hear things and see things?

6 A Yes.

7 Q Had that been happening for a while when you first
8 started seeing doctors about it?

9 A What?

10 Q Had that been happening for a while before you
11 started getting help for that? Do you know what I'm
12 asking?

13 A No.

14 Q Before you started seeing -- you went to start
15 seeing some doctors about it; is that right?

16 A Yes.

17 Q Had you been having those problems for a while
18 before that or had it happened pretty recently before
19 that?

20 A I don't understand.

21 Q Okay. You went and started seeing some doctors.

22 A Um hum. I mean yes.

23 Q When you had that problem with seeing things and
24 hearing things, had that been going on for a while
25 before that?

1 I know it's not easy to talk about it, but had
2 it been happening for months before that?

3 A Yes.

4 Q Okay. How did hearing those voices and seeing
5 things make you feel?

6 A Weird.

7 Q Did it make you feel scared?

8 A A little.

9 Q Yes. Did you want to get help for it?

10 A Yeah.

11 Q And you went to the hospital a couple of times
12 because of what was going on?

13 A Twice.

14 Q Twice. And what -- do you remember what hospital
15 you went to?

16 A St. Mary's and then Spring Harbor.

17 Q Okay, and doctors gave you medicine to take that
18 was supposed to help; is that right?

19 A Yes.

20 Q Do you remember what medicines you were supposed
21 to take?

22 A Risperdal, Cogentin and Trazodone.

23 Q Okay. Sounds like you're pretty familiar with
24 those.

25 A Yes.

1 Q Now, the Risperdal was to help with actually
2 seeing things or hearing things; is that right?

3 A Yes.

4 Q How about the Trazodone, what was that for?

5 A For sleeping.

6 Q Did you have some trouble sleeping?

7 A Yes.

8 Q How about the Cogentin?

9 A That was for the side effects of the Risperdal.

10 Q What kind of side effects where there?

11 A On occasions, my legs hurt.

12 THE COURT: HXXXXX, can you slow down a little
13 when you're talking. This man has to write down
14 everything you say. Speak a little slower. Thanks.

15 A Okay.

16 MR. WOLFF: Thank you, Your Honor.

17 BY MR. WOLFF:

18 Q So the Cogentin was because your legs hurt because
19 you took some of the other medicine?

20 A Yes.

21 Q Did that help?

22 A Yes.

23 Q Did the Trazodone help with your sleep?

24 A Yes.

25 Q And did the Risperdal help with seeing things or

1 hearing things?

2 A Yes.

3 Q Did you take the medicine like the doctor told you
4 to?

5 A Yes.

6 Q Did you have to take it every day?

7 A Yes.

8 Q And did the medicine make you feel better?

9 A Yes.

10 Q Did the seeing things and hearing things, did that
11 decrease?

12 A Yeah.

13 Q Did you have any -- were there any -- you talked
14 about side effects. Were there any side effects from
15 the medicine --

16 A Occasionally my --

17 Q -- beside the leg pain.

18 A No.

19 Q Did you ever feel like the medicine prevented you
20 from understanding what was going on around you?

21 A No.

22 Q And did you feel like you could tell people what
23 was going on around you?

24 A Yeah.

25 Q Were you able to continue to go to school?

1 A Yeah.

2 Q I'm going to ask you some questions a bit about
3 some trips that you took to Canobie Lake. Were you
4 taking medicine around that time?

5 A Yes.

6 Q So you were still taking at that point?

7 A Yes.

8 Q And were you still taking it like a doctor had
9 told you to?

10 A Yes.

11 Q I mean like when you were supposed to and how
12 much.

13 A Yes.

14 Q And around the times of those trips to Canobie
15 Lake, were you having any trouble seeing or hearing
16 things correctly or accurately?

17 A No.

18 Q Did you feel like you understood what was going on
19 around you?

20 A Yes.

21 Q And did you feel like you were able to tell people
22 what was going on around you?

23 A Yeah.

24 Q Now, are you still taking medication?

25 A No.

1 Q And when did you stop?

2 A One or two months ago.

3 Q Okay, and did you just stop cold turkey or did you
4 kind of decrease over time?

5 A Decrease over time.

6 Q Do you remember when you started taking less, when
7 you started decreasing; do you have any sense of that?

8 A No.

9 Q Was it over a few months?

10 A Wait, what?

11 Q I'm sorry? You didn't understand?

12 Did you decrease over time, like over a few
13 months?

14 A Yes.

15 Q And sitting here today, do you feel like you
16 understand what's going on?

17 A Yeah.

18 Q You understand the questions I'm asking you?

19 A Yeah.

20 Q Do you feel like you can answer the question
21 correctly?

22 A Yeah.

23 Q And are you having any trouble, sitting here
24 today, with seeing things that aren't there or
25 hearing --

1 A No.

2 Q -- things that aren't there?

3 A No.

4 Q No?

5 A No.

6 Q HXXXXX, when you were at Park Avenue, did you have
7 music class?

8 A Yes.

9 Q And who was your music teacher?

10 A Mr. Raymond.

11 Q Do you see Mr. Raymond in the courtroom today?

12 A Yeah.

13 Q Can you point him out for us?

14 A There.

15 Q He is seated at the table next to me?

16 A Yes.

17 Q With the glasses?

18 A Yes.

19 Q And what grades did you have Mr. Raymond for?

20 A Fifth and sixth.

21 Q In addition to music class, did you have him for
22 anything else?

23 A Chorus.

24 Q Chorus? And when did you do chorus?

25 A Fifth grade, I think.

1 Q Okay, and how often did you do chorus?

2 A Like, I don't know, it -- I don't know, it was
3 like after school, something like -- I can't remember
4 what day we were there.

5 Q Okay. Do you know how many days a week you did
6 it?

7 A Maybe once, I don't know.

8 Q What did you think of Mr. Raymond before -- and
9 again, I'm going to ask you about what happened at
10 Canobie Lake, but before when you were just in his
11 class, what did you think of him?

12 A I thought he was weird.

13 Q Weird, okay. Did you think he was a good teacher?

14 A Kind of.

15 Q Did you get along okay with him?

16 A Yes.

17 Q Now, was there sometime where in class where he
18 embarrassed you somehow?

19 A Yeah.

20 Q Can you tell us about that?

21 A Well, I can't remember how he embarrassed me, but
22 he did something that embarrassed me.

23 Q Okay. Did you get that worked out later? Did you
24 talk to him about it?

25 A No.

1 Q Did you feel okay about it later?

2 A Just let it go.

3 Q Pardon me?

4 A I just let it go.

5 Q You just let it go.

6 A Yeah.

7 Q Did you take any trips as part of the chorus
8 group?

9 A Yeah.

10 Q How many kids were in chorus?

11 A A lot.

12 Q Yeah, okay. Were there more than one grade?

13 A Yeah.

14 Q What sort of trips did you take with the chorus
15 group?

16 A We went to Canobie Lake.

17 Q Do you remember when that was?

18 A No.

19 Q Okay. Well, let me -- I'm going to ask you about
20 these trips that you and your sister took to Canobie
21 Lake; do you remember those?

22 A Yeah.

23 Q Do you remember how long before those trips your
24 chorus trip was?

25 A Well, I think the chorus trip for the whole entire

1 school was at the end of the school year.

2 Q End of that school year?

3 A Yes.

4 Q So this was -- school was still going on?

5 A Yes.

6 Q But it wasn't the very end of school?

7 A Yeah. It was the -- just about school was over.

8 Q And who went on that trip to Canobie Lake?

9 A The school?

10 Q Yes. The school, I'm sorry.

11 A All the kids from the chorus.

12 Q Did kids from more than one school go?

13 A Yes.

14 Q So were there kids that you didn't know?

15 A Yes.

16 Q How about adults. Who went on the trips as
17 adults?

18 A Some kids parents.

19 Q Do you know -- do you know how many went, how many
20 adults?

21 A Maybe five.

22 Q How about teachers?

23 A I don't know. Well, Mr. Raymond went.

24 Q Mr. Raymond went.

25 A Yeah.

1 Q Any other teachers you can remember?

2 A No.

3 Q How did you get there?

4 A We took the bus.

5 Q And when you say a "bus," was it a school bus or
6 one of those other kind of buses?

7 A The other kind of buses.

8 Q Had you ever been to Canobie Lake before?

9 A No.

10 Q Were you excited to go?

11 A Yeah.

12 Q Who did you sit with on the way to the park; do
13 you remember?

14 A My friend TXXXXX.

15 Q And did you speak at all with Mr. Raymond on the
16 way to the park?

17 A No.

18 Q What did you do when you got to the park?

19 A We waited for the grown-ups to do something
20 like -- they were doing something.

21 Q The girls were doing something?

22 A No. The grown-ups were all --

23 Q Oh, the grown-ups, I'm sorry. Okay, after that,
24 did you sing?

25 A We all went in the -- I mean we went to where we

1 were going to set up. We set up.

2 Q And did you sing after that?

3 A Yes.

4 Q And do you remember how many songs you sang?

5 A Couple.

6 Q Okay. And did you actually get to go to the park
7 and go on the rides after that?

8 A Yeah.

9 Q And what did you think of that?

10 A That was fun.

11 Q At some point, did you speak with Mr. Raymond near
12 the end of that trip --

13 A Yes.

14 Q -- when you were still at the park?

15 A Yes.

16 Q What did he say?

17 A He asked me if I would sit with him on the bus on
18 the way back.

19 Q And I'm going to -- if I can sort of remind you
20 what the Judge told you. It's going to make this man's
21 job a whole lot easier if we can -- probably both of us
22 can slow down so.

23 So he asked if you would sit with him in the
24 back?

25 A Yeah.

1 Q And what did you say?

2 A I said okay.

3 Q Did he say why he wanted you to sit in the back?

4 A No.

5 Q Where on the bus did you sit with him?

6 A In the back.

7 Q Was it in the very back?

8 A Yeah.

9 Q Can you describe for us how the seats were and
10 what else was around you in the back of the bus?

11 A It was the toilets.

12 Q The toilets?

13 A Yeah, and the two seats in the middle.

14 Q And were there other kids sitting in front of you?

15 A Yes.

16 Q How full was the bus?

17 A Pretty full.

18 Q When you were driving back to Maine from the park,
19 did you talk with Mr. Raymond?

20 A Yeah.

21 Q And what did you talk about?

22 A We just talking -- if I had fun and all.

23 Q Whether you had fun?

24 A Um hum.

25 Q And what happened after that?

1 A What do you mean?

2 Q Well, after you talked with him, did there come a
3 time when something happened that made you feel
4 uncomfortable?

5 A Yeah. He, ah, he put his hand in my shirt and I
6 smacked his hand away and he said I'm sorry, it was an
7 accident.

8 Q When you say "he put his hand in your shirt," do
9 you mean over your shirt or under?

10 A Under it.

11 Q And what -- do you remember what kind of shirt you
12 were wearing?

13 A No.

14 Q So what -- did he touch any part of your body when
15 he went under your shirt?

16 A He touched my belly of his -- going up.

17 Q And you said you slapped his hand away?

18 A Yes.

19 Q And what did he say?

20 A He said I'm so sorry. He didn't mean to.

21 Q Did he touch any other part of you on that trip?

22 A He touched my -- the back of my leg on my left.

23 Q So were you seated right next to him?

24 A Um hum.

25 Q And you said the back of your leg?

1 A Yes.

2 Q Do you mean the lower part of your leg, below your
3 knee or above your knee?

4 A Right there.

5 Q When you say "right there," I'm touching --

6 A Yeah.

7 Q So the outer thigh; is that --

8 A Like back more.

9 Q Back more.

10 A Yeah, right there.

11 Q Towards my buttocks? I know these terms can be a
12 little embarrassing, but we need to be clear; is that
13 right?

14 A Yes.

15 Q How many times did he touch you on that part of
16 your leg?

17 A Like twice.

18 Q Did he say anything to you when he was touching
19 you there?

20 A No.

21 Q Did you say anything to him?

22 A No. Kind of just like kept moving up or down.

23 Q How did that make you feel when he was doing it?

24 A Grossed out.

25 Q Did you stay in your seat the whole time or did

1 you get up at times?

2 A I kept getting up and going to the bathroom.

3 Q And why did you do that?

4 A Because I didn't like him touching me.

5 Q Would you then come back to your seat after that?

6 A Yeah.

7 Q Did you ever go to any of your friends or any of
8 the people you knew on the bus on the ride back?

9 A Yeah. I went to TXXXXX and AXXXXX and took their
10 20 questions to play.

11 Q So we've talked about TXXXXX. She's one of your
12 best friends?

13 A Um hum.

14 Q And then AXXXXX, that's another girl?

15 A Yes.

16 Q And you said you got the 20 questions game?

17 A Yeah.

18 Q Can you explain what that is?

19 A It's a little round like ball and you can pick --
20 you have to like select like an animal or something and
21 you pick an animal and you have to try to guess it and
22 it will ask you 20 questions and you have to answer it
23 and you have to try to guess what the animal is.

24 Q So is it like a little video game?

25 A Kind of.

1 Q Or electronic game?

2 A Yeah.

3 Q Did you stay there with TXXXXX and AXXXXX or did
4 you go back to your seat?

5 A I went back to my seat because there was no seats
6 like --

7 Q What did you do with the 20 question game?

8 A I played it.

9 Q And what did Mr. Raymond do while you were doing
10 that?

11 A He watched it.

12 Q Did he touch you anymore after that?

13 A Yeah. He had his hand on my leg.

14 Q And what part of your leg?

15 A My upper leg.

16 Q The same area that we were talking about before?

17 A No, the front.

18 Q So the front of your thigh?

19 A Yeah.

20 Q Do you know how long it took to get back from
21 Maine --

22 A No.

23 Q -- excuse me, from New Hampshire to Maine, no?
24 How much of that trip -- do you remember how much of
25 that trip it was that he was touching you for?

1 A Not too much of it because I kept going to the
2 bathroom.

3 Q Did you tell anybody about that afterwards?

4 A Not right after, no.

5 Q And why not?

6 A Because I didn't know what to say and I felt
7 grossed out and scared.

8 Q Do you remember later telling somebody that you
9 also didn't want your -- you thought your mom might
10 make a big deal about it?

11 A Yeah.

12 Q So that was the end of the school year?

13 A Um hum, yeah.

14 Q That's good. Thank you for remembering to do
15 that. When did you next hear from Mr. Raymond?

16 A He called one time in the summertime.

17 Q And did you actually speak with him when he
18 called?

19 A No.

20 Q Who did he speak to; do you know?

21 A My mom.

22 Q And as a result of the conversations that he had
23 with your mom, were there plans to take a trip?

24 A Yeah.

25 Q And what was your -- what did you think -- what

1 were you told about where you were going to go?

2 A To Canobie Lake.

3 Q And did you talk with your mom about it, about
4 going on the trip?

5 A Yeah.

6 Q Did you tell her at that point about what had
7 happened on the chorus trip?

8 A No.

9 Q What did you think about going to Canobie Lake
10 again with Mr. Raymond?

11 A I wasn't sure what to think because I was kind of
12 excited in a way but, um --

13 Q So sort of excited on the one hand and not sure on
14 the other; is that --

15 A Yeah.

16 Q Were you going to go alone with him?

17 A No, with CXXXXXX.

18 Q CXXXXXX is your sister?

19 A Yes.

20 Q How many years younger is CXXXXXX than you?

21 A Two.

22 Q And do you remember at this point how old you were
23 at the time of the trips?

24 A No.

25 Q Well, so you're 14 now?

1 A Yes.

2 Q And do you know what grade you were in when the
3 chorus trip happened?

4 A Fifth.

5 Q So that's three -- is that three grades ago?
6 You're in eighth now?

7 A Yeah, so it would be three or four.

8 Q I'm sorry?

9 A I said yeah, so like three or four years.

10 Q Okay, so were you 11? 11, does that sound right?

11 A Yes.

12 Q So CXXXXXX was nine?

13 A Yes.

14 Q So the chorus trip, was that the first time you
15 had ever been to Canobie Lake?

16 A Yes.

17 Q Had you ever been to any other amusement parks
18 before?

19 A No.

20 Q Were you worried at all about Mr. Raymond touching
21 you again?

22 A A little.

23 Q Let me ask you about the first, the first time you
24 went to Canobie Lake with him. Do you remember what
25 time of day it was that Mr. Raymond came to pick you

1 up?

2 A Sometime in the morning.

3 Q Did it seem -- was it early, middle, late?

4 A Early.

5 Q Early in the morning?

6 A Yes.

7 Q Where did you go after he picked you up?

8 A To his house.

9 Q And do you know -- I'm not asking a street
10 address, but do you know what town he lives in?

11 A I don't remember where he was exactly.

12 Q Was it pretty close to your house?

13 A No. It was kind of a long drive.

14 Q Had you ever been to his house before?

15 A No.

16 Q And both you and CXXXXXX went?

17 A Yes.

18 Q When you got to his house, did you notice anything
19 outside?

20 A He had a pool.

21 Q He had a pool?

22 A Yeah.

23 Q The kind that's like down in the ground or one
24 that you set up above the ground?

25 A You set up above the ground.

1 Q Did Mr. Raymond tell you why he was going to his
2 house?

3 A Because he was waiting for his friend.

4 Q So a friend who was also going to come on the
5 trip?

6 A Yes.

7 Q Did he say who that friend was?

8 A No.

9 Q And what did you do when you got there?

10 A He showed us a tour of his house.

11 Q What rooms of the house did you go in?

12 A We went into the hallway and took off our shoes,
13 into the living room to sit around and the basement.

14 Q The basement, what do you remember about the
15 basement?

16 A He had his costumes down there and he showed us
17 something up on the wall that said something about
18 "love" on it.

19 Q You said there was costumes. Were they like from
20 a play, do you mean?

21 A Yes.

22 Q Did you at some -- did you go back upstairs?

23 A Yes.

24 Q What did you do when you weren't taking the tour?

25 A He brought us into his room to put on like a

1 projector for a TV and he put on a show.

2 Q Where were you -- did you watch TV?

3 A No.

4 Q Did anybody watch TV?

5 A No.

6 Q Did anybody watch the projector?

7 A No.

8 Q Okay. Well, what did you do?

9 A I just sat on the floor.

10 Q And where were you sitting?

11 A On the floor.

12 Q I'm sorry. You just --

13 A Like next to his bed.

14 Q How about CXXXXXX, where was she sitting?

15 A On the bed.

16 Q And where was Mr. Raymond sitting?

17 A On the bed.

18 Q And how close were Mr. Raymond and you --

19 A They were pretty much hugging.

20 Q Pretty much hugging?

21 A Yes.

22 Q Was Mr. Raymond saying anything while he was doing
23 that?

24 A No.

25 Q Did he ask you to come on the bed at any point?

1 A Yeah.

2 Q What did you say?

3 A No, I'm comfortable.

4 Q How many times would he ask you to come up to join
5 him on the bed?

6 A Like three or four maybe.

7 Q Do you have any sense of how long you were at his
8 house?

9 A Like an hour maybe or two.

10 Q And when was it that it was decided that you were
11 going to leave?

12 What happened when you decided to leave?

13 A Um, I think that his phone rang and he talked to
14 somebody and they said they weren't coming because he
15 is too busy at work, something like that, so we just
16 left.

17 Q And did you hear the conversation or did Mr.
18 Raymond tell you about it afterwards?

19 A I could hear it a little bit, but he kind of told
20 us.

21 Q So at that point, it was just going to be Mr.
22 Raymond and the two of you?

23 A Um hum.

24 Q Did you drive in his car?

25 A Yeah.

1 Q And where did everybody sit?

2 A I sat in the front seat. CXXXXXX sat in the back.

3 Q Did you stop anywhere before you got to the park?

4 A Yeah, we stopped by the store.

5 Q And what did you get?

6 A Something to eat.

7 Q And what did you do on the ride to the park?

8 A Listened to his music from his play.

9 Q Was there anything that happened on the way to the
10 park that made you feel uncomfortable?

11 A He touched my leg and said it was soft.

12 Q What did you -- did you say anything in response
13 to that?

14 A I said because I shaved.

15 Q How many times did he touch your leg?

16 A Once.

17 Q Did you listen to music the whole way?

18 A Unfortunately.

19 Q You didn't like it?

20 A No.

21 Q Do you have a sense of how long it took to get to
22 the park?

23 A No. Took a long time though.

24 Q When you got there, what did you do?

25 A We waited for him to pay for it.

1 Q And he did?

2 A Yes.

3 Q And then did you go in?

4 A Yes.

5 Q And then what happened after you got in the park?

6 A We went on rides.

7 Q Now, does Canobie Lake, does it have both sort of
8 regular rides and also water rides?

9 A Yes.

10 Q And did you do both of those?

11 A Yeah.

12 Q Did you have to change into your swimsuit at any
13 point?

14 A No because I was already wearing it.

15 Q Under your clothes?

16 A Yes.

17 Q How about CXXXXXX; did she have to change at all?

18 A She was wearing it too.

19 Q She was. Did anything on the regular rides, not
20 the water rides, did anything happen that made you feel
21 uncomfortable?

22 A No.

23 Q How about the water rides?

24 A When we were going up the stairs to get to the top
25 of the slide, he kept hitting my butt.

1 Q Kept hitting your butt?

2 A Yup.

3 Q So was he -- where was he when he was doing that?

4 A Behind me.

5 Q And where was CXXXXXX; do you know?

6 A Beside me.

7 Q And about how many times did he do that?

8 A I don't know, like three times.

9 Q Did he say anything when he did that?

10 A He said I'm sorry and that's it.

11 Q Did you say anything to him?

12 A I just said watch it.

13 Q Was this -- and at that point, what were you
14 wearing?

15 A My bathing suit.

16 Q So you had changed out of your clothes?

17 A Um hum.

18 Q And did he touch you above your -- on top of your
19 bathing suit or under the bathing suit?

20 A Top of it.

21 Q On top of it?

22 A On top of it, yeah.

23 Q And how about on the rides. Did anything happen
24 on any of the rides?

25 A Um, when you -- we got on the tubes to go down, he

1 like, um --

2 Q I know this is uncomfortable for you to talk
3 about.

4 A Yes. I'm trying to figure out how to say it.

5 Q Well, just tell us -- just tell us what happened.

6 A He -- like when you go down, he would slide his
7 hands down in my private area. Yup.

8 Q Okay. Let me -- first, let me ask you about the
9 rides so we have a sense of what you're talking about.
10 So these were tubes that you're riding on?

11 A Yeah. Like we're in a tunnel and it's filled with
12 water for the tubes to go down.

13 Q Was it a round inner tube or a different shape
14 than that?

15 A It was oval.

16 Q Like an oval? So was it almost like a raft, kind
17 of like a little raft?

18 A Yeah.

19 Q How many people could fit on that raft?

20 A Well, only us three because the size that we were.

21 Q Okay. So the three of you were able to fit on it?

22 A Yup.

23 Q And were there times when all three of you did go
24 down together?

25 A Yup.

1 Q Were there times when just two of you at a time
2 would go together?

3 A Yup.

4 Q Um, when you went on the tubes, where did you sit
5 and where did Mr. Raymond sit?

6 A He would sit -- depends on how you put it. He
7 would be at the very back and then it would be me and
8 then CXXXXXX.

9 Q Okay, so you would sit in front of Mr. Raymond and
10 CXXXXXX would sit in front of you?

11 A Yeah.

12 Q How about when -- did you go down with Mr. Raymond
13 just the two of you at any time?

14 A Yeah.

15 Q Would he sit, still sit in the back of you on
16 those?

17 A Yes.

18 Q Did he also go down alone with CXXXXXX sometimes?

19 A Yeah.

20 Q And you said that there would be times when you
21 were going down the ride that he would touch near your
22 private area; is that right?

23 A Yes.

24 Q And I know this isn't comfortable to talk about,
25 but when you say "private area" is that -- what does

1 that part of the body do?

2 A What do you mean?

3 Q Is that where you, for example, go pee?

4 A Yup.

5 Q And did he touch you on that or near that area?

6 A It's pretty much on it and near it kind of, you
7 know.

8 Q So would it be also like your inner thigh too?

9 A Yeah.

10 Q And how many times would you say he did that?

11 A I don't know, like two times.

12 Q Was it over your bathing suit or under it?

13 A Over it.

14 Q How did it make you feel when he did that?

15 A Made me feel disgusted.

16 Q Was that before or after he had touched your --
17 you told us about touching your butt, was it before or
18 after that; do you remember?

19 A That was after he touched my butt.

20 Q Was it going up the stairs to that ride that he
21 touched your butt?

22 A Yeah.

23 Q That same ride? I'm sorry, I think you nodded.
24 Is that a yes?

25 A Yes.

1 Q Do you remember after you had told people about
2 that, do you remember you talked to a lady, she talked
3 to you and then videotaped it?

4 A Yes.

5 Q You went over -- you were brought over to this
6 place by Officer Poulin; do you remember that?

7 A Yes.

8 Q Do you remember that you told her that Mr. Raymond
9 did not touch you on the tube ride?

10 A Yes.

11 Q Do you remember telling her that?

12 A Yes.

13 Q Why did you tell her that?

14 A Because I was scared and I didn't know what was
15 going to happen.

16 Q Do you remember also in that same conversation
17 that she asked you whether you were ever uncomfortable
18 on that ride?

19 A Yes.

20 Q And you said you weren't?

21 A Yes.

22 Q Is that true?

23 A No.

24 Q Why did you say that you were not uncomfortable?

25 A Because I was scared.

1 Q Is this -- how easy is this to talk about?

2 A Not easy at all.

3 Q Do you remember telling her that nobody had ever
4 touched your private area?

5 A Yeah.

6 Q Was that true?

7 A No.

8 Q And how come you told her that?

9 A I was scared.

10 Q How late did you stay at the park that day?

11 A Until like midnight.

12 Q Do you know what time -- do you remember what time
13 it closed?

14 A No.

15 Q Was it dark outside when you left the park?

16 A Yeah.

17 Q Did there -- was there -- at some point, did you
18 have to change out of your bathing suits?

19 A Well, he asked us if we wanted to and I said no,
20 but CXXXXXX, um, she got in the back and we had like a
21 blanket and she changed in the back.

22 Q And why didn't you just change in the changing
23 room or bathroom?

24 A Because Mr. Raymond said it was closed.

25 Q So CXXXXXX actually changed in -- was in the back

1 of your car?

2 A It was the trunk because it --

3 Q And you and Mr. Raymond held up a towel?

4 A Yes.

5 Q Did anything happen while that was going on?

6 A He, Mr. Raymond, dropped the towel.

7 Q And did he say anything when he dropped the towel?

8 A He said I'm sorry, it slipped.

9 Q Did it seem to you, since you were there, did it
10 seem like an accident to you?

11 A No.

12 Q On the way back from the park to your house, did
13 you call anybody?

14 A What?

15 Q Did you talk to anybody on the phone?

16 A No.

17 Q Did you ever -- did you talk to your mom at any
18 point that evening?

19 A No.

20 Q Did Mr. Raymond talk to your mom; do you know?

21 A Not that I know of.

22 Q Okay. Can you tell us what happened on the way
23 back from the park?

24 A Um, CXXXXXX sat in the front and I sat in the back
25 and kept saying I can go to sleep and I was watching

1 CXXXXXX and he was holding hands with her.

2 Q So he, again just so we're clear, so he kept
3 telling you, you should go to sleep?

4 A Yes.

5 Q And did you go to sleep?

6 A I fell asleep soon.

7 Q Right away or after a while?

8 A After a while.

9 Q And you said you saw him holding CXXXXXX's hand?

10 A Yes.

11 MR. HARTLEY: I'll object. The testimony
12 regarding that, regarding the victim's sister, she is
13 not a charged victim in this case. Certainly I think
14 if the Government wished, they could bring her as a
15 witness to testify as to her perception.

16 THE COURT: I understand the objection. The
17 objection is overruled. You're right, it's not a
18 charged offense, but I'll consider it in terms of the
19 context as to what happened with this particular
20 witness.

21 MR. HARTLEY: Thank you, Your Honor.

22 BY MR. WOLFF:

23 Q Were you able to tell whether CXXXXXX was asleep
24 or awake when that happened?

25 A She was asleep.

1 Q When you got home, HXXXXX, was your mom still up?
2 Was she waiting for you?

3 A Oh no, she was sleeping.

4 Q I'm sorry?

5 A I said no, she was sleeping.

6 Q She was sleeping. After you got home, did you
7 tell your mom what had happened on the trip?

8 A No.

9 Q How come?

10 A I wasn't sure what to do.

11 Q Did you tell -- at that point, did you tell
12 anybody else?

13 A No.

14 Q Did there come a time when there were plans for a
15 second trip?

16 THE COURT: Is this a good time to take a
17 recess?

18 MR. WOLFF: Yes. It actually would be, Your
19 Honor.

20 THE COURT: We will take the morning recess.
21 15 minutes. Thank you.

22 (RECESS CALLED)

23 THE COURT: Mr. Wolff, you can continue.

24 MR. WOLFF: Thank you, Your Honor.

25 BY MR. WOLFF:

1 Q HXXXXX, just so we're remembering, I think I was
2 about to ask you about the second trip.

3 A Yes.

4 Q The second trip that you and CXXXXXX took to
5 Canobie Lake. So at some point, did you hear about Mr.
6 Raymond wanted to take you on another trip?

7 A Yes.

8 Q And did you talk directly with Mr. Raymond or was
9 that through your mom?

10 A I think he called and asked, he said something
11 about it and told my mom and she came and talked to
12 him.

13 Q What -- how did you feel about going on another
14 trip with him?

15 A I wasn't that excited anymore. I didn't want to
16 go.

17 Q Why did go?

18 A I don't know.

19 Q Was part of you excited to go back to the park?

20 A Like a teeny, tiny bit, but I mean maybe.

21 Q A teeny tiny bit?

22 A Yes.

23 Q Was CXXXXXX excited?

24 A She was really excited.

25 Q Do you remember when it was -- what part of the

1 day it was that Mr. Raymond picked you up for the
2 second trip?

3 A Early morning again.

4 Q And where did you go after you left your house?

5 A Went to his house again.

6 Q And did he tell you why you were going back to his
7 house?

8 A He was waiting for his brother.

9 Q For his brother?

10 A Um hum.

11 Q That's what he told you?

12 A Yup.

13 Q And what did you do when you got to his house?

14 A Me and CXXXXXX sat in his living room.

15 Q And what did you two do?

16 A Played patty cake.

17 Q Patty cake --

18 A Yes.

19 Q Was anybody else at the house besides you two and
20 Mr. Raymond?

21 A No.

22 Q I'm not sure if I asked you about the first trip,
23 but just to be clear, was there anybody at the house --

24 A No.

25 Q Just the three of you?

1 A Yes.

2 Q The first time?

3 A Yes.

4 Q Did Mr. Raymond at some point while you were there
5 tell you anything more about whether his brother was
6 going to come?

7 A No.

8 Q He didn't tell you anymore?

9 A Well, we stayed there for a while and he said that
10 he wasn't coming after like an hour.

11 Q Did he actually tell you that his brother had
12 called or how did he -- did he tell you how he knew his
13 brother wasn't coming?

14 A No. He just said he wasn't coming.

15 Q Do you remember -- it was a while ago now, but do
16 you remember testifying about what was called the Grand
17 Jury?

18 A Yes.

19 Q Where you came to this courthouse and answered
20 questions like this?

21 A Yes.

22 Q Do you remember testifying then that you actually
23 heard somebody on the phone with Mr. Raymond, that you
24 thought it was his brother talking about it, that he
25 wasn't able to go?

1 A Yeah. That was the first time.

2 Q Okay.

3 A The other person.

4 Q Okay. So not the brother the second time?

5 A Right.

6 Q Who sat where in the car on the way to the park
7 the second time?

8 A This time CXXXXXX sat in the front and I sat in
9 the back.

10 Q What did you do on the way there?

11 A Listened to his music again.

12 Q Okay. Did you make any stops along the way?

13 A I think we stopped at the same store again.

14 Q Do you remember what that was or where it was?

15 A No.

16 Q When you got to the park, what did you do?

17 A We went in and we went on rides.

18 Q Did you go on both the regular rides and the water
19 rides again?

20 A Yes.

21 Q And what did you -- what were you thinking about
22 going on the water rides again?

23 A I wasn't that excited.

24 Q No? And why not?

25 A Because I didn't want him touching me again.

1 Q Did you ride on that same tube ride that you told
2 us about before?

3 A Yes.

4 Q And did you go on the ride with Mr. Raymond?

5 A Yes.

6 Q Did you go on it all three of you?

7 A Yes.

8 Q And were there also times when just the two of you
9 went like you told us last time or what?

10 A Um, well, I only went down once or twice, but
11 CXXXXXX went down maybe three times.

12 Q Did anything happen this time on the tube ride
13 that made you uncomfortable?

14 MR. WOLFF: I apologize, Your Honor. I think
15 with the Court's permission, I'll just take this off.

16 THE COURT: Just turn it off.

17 BY MR. WOLFF:

18 Q We're going to try this one now. Did anything
19 happen on the tube ride that made you uncomfortable the
20 second trip?

21 A Yeah. He wrapped two arms around my chest.

22 Q Okay. Were you seated right in front of him like
23 you were the first time?

24 A Yes.

25 Q And he wrapped his -- from behind, he wrapped his

1 arms around your chest?

2 A Yes.

3 Q Where were his hands exactly?

4 A On my chest.

5 Q Okay. Would you say they were on your breasts?

6 A Yes.

7 Q Do you know how long he was doing that for?

8 A Pretty much the whole ride down.

9 Q And how long -- do you know -- do you have a sense
10 of how long the ride would take to go through all the
11 whole --

12 A Like ten seconds because it goes so fast.

13 Q And what did you do when he put his arms around
14 you like that?

15 A Well, I kind of like was trying to pull him off,
16 but I couldn't.

17 Q Did he say anything to you while he was doing
18 that?

19 A No.

20 Q Did you say anything to him?

21 A No. I was kind of screaming because the ride was
22 scaring me.

23 Q Did you say anything to him after the ride was
24 over?

25 A No.

1 Q How come?

2 A Because I didn't know what he would do or what I
3 would do.

4 Q When you testified at the Grand Jury, do you
5 remember testifying that he had touched your -- that he
6 had done what you talked about, touching your breast,
7 but that was on the first trip?

8 A No, it was the second.

9 Q Okay. So if you had said the first when you
10 testified before, would that have just been mistaken on
11 your part?

12 A Yes.

13 Q Did you change out of your suits at the end of the
14 night?

15 A No.

16 Q No? You didn't change in the ladies room or
17 anything?

18 A No wait. Yeah, sorry.

19 Q But did you change in the back of the car like you
20 said --

21 A No. We went to the bathroom that time.

22 Q On the way home, where did everybody sit?

23 A Um, me and CXXXXXX were fighting over who could
24 sit in the back, but I ended up getting stuck in the
25 front.

1 Q Where did you want to sit?

2 A In the back.

3 Q And did CXXXXXX want to sit in the back also?

4 A Um hum.

5 Q Did you talk to your mom at all on the way back
6 home?

7 A No.

8 Q Do you know whether Mr. Raymond did?

9 A No.

10 THE COURT: No he didn't or no, you don't
11 know?

12 A I don't know if he did.

13 BY MR. WOLFF:

14 Q Did Mr. Raymond take any pictures while you were
15 at the park on either trip?

16 A No.

17 Q Did he ever take any pictures of you when you were
18 at his house?

19 A No.

20 Q Did you ever -- do you remember when you were
21 talking at that interview with the lady at the place in
22 Lewiston you said he took pictures with his phone
23 thingy, the thing that you could check like the
24 Internet and stuff like that; do you remember telling
25 her that?

1 A No.

2 Q Okay. So he didn't take any pictures?

3 A No, not that I know.

4 Q Okay. Did anything happen on the way back home
5 that made you feel uncomfortable?

6 A He kept rubbing the back of my leg.

7 Q When you say -- so you were sitting in the front?

8 A Yes.

9 Q And you say the "back of your leg," I'm sorry I
10 have to get the details, but are we talking about on
11 the side of your thigh or actually on your butt?

12 A Yeah. Like on my butt and the back of my thigh.

13 Q Were you -- you sounded like you were awake at the
14 time?

15 A Yes.

16 Q How many times did he touch you there?

17 A I don't know, like four times.

18 Q And what did you do?

19 A Kind of just laid there and I moved my elbow a
20 little bit.

21 Q Did you ever pretend to go to sleep at all?

22 A Yes.

23 Q And how long did you pretend to go to sleep for?

24 A The whole entire time until we got to just back to
25 my house.

1 Q Did you ever go to sleep for real?

2 A No.

3 Q Did he say anything to you while he was doing
4 that?

5 A No.

6 Q Did he ever -- you talked about the first trip, he
7 told you that you should go to sleep?

8 A Yes.

9 Q Did he ever say anything like that on the second
10 trip?

11 A Yeah.

12 Q When was that?

13 A Whenever we were going, he said you should try and
14 rest because it was late.

15 Q And do you know what time you got home from the
16 second trip?

17 A Like 1:00, 1:30.

18 Q So it was in the morning?

19 A Yes.

20 Q So very late. Was your mom awake when you got
21 home?

22 A No.

23 Q HXXXXX, did you tell your mom what happened after
24 the second trip?

25 A No.

1 Q And why not?

2 A Because I didn't know what to tell her and what
3 she would think.

4 Q Did you tell anyone?

5 A After a while, I told my friend TXXXXX.

6 Q Do you have a sense of how long it was afterwards
7 that you told TXXXXX?

8 A No, but I think it was quite a while.

9 Q Do you know -- did you eventually hear that Mr.
10 Raymond had been arrested?

11 A No.

12 Q People were claiming that he had touched them,
13 other students?

14 A Oh, yes.

15 Q Did you tell TXXXXX before or after that happened?

16 A Before.

17 Q And did TXXXXX actually talk to your mom?

18 A Yes.

19 Q And why did she do that?

20 A Because I didn't know --

21 MR. HARTLEY: Objection.

22 MR. WOLFF: Hold on one second.

23 THE COURT: Objection sustained. You asked
24 why did TXXXXX tell her mother.

25 MR. WOLFF: Okay. Thank you.

1 BY MR. WOLFF:

2 Q Did you eventually talk with your mom about what
3 had happened?

4 A Yes.

5 Q Was that after you'd learned that Mr. Raymond had
6 been arrested?

7 A Yes.

8 Q And then did you later talk to Officer Poulin?

9 A Yes.

10 Q And can you tell the Court who Officer Poulin is?

11 A A police officer.

12 Q Was he also -- was he assigned to your school?

13 A Yes. I believe -- he was assigned to some
14 elementary schools.

15 Q Okay. Did you ever refer to him by any other name
16 than Officer Poulin?

17 A No.

18 Q How about "Officer Friendly;" did you ever hear
19 that term?

20 A I used that when I was younger.

21 Q Okay. So you've known him for a while?

22 A Yes.

23 Q And then after you talked to Officer Poulin, did
24 you then talk to that lady in that interview?

25 A Yes.

1 Q And then quite a while later, you talked in the
2 Grand Jury?

3 A Yes.

4 Q And we've met since then and you've talked about
5 it with me as well; is that right?

6 A Yes.

7 MR. WOLFF: Thank you.

8 THE COURT: Thank you, Mr. Wolff. Mr.
9 Hartley.

10 MR. HARTLEY: Thank you, Your Honor. Your
11 Honor, before I begin, we had spoken earlier about my
12 admitting the medical records for this witness, and I
13 have marked these as Defendant's Exhibit number 3 and I
14 would offer them.

15 THE COURT: Yes. As discussed before, they
16 are admitted under seal because they are medical
17 records.

18 MR. HARTLEY: Thank you.

19 CROSS EXAMINATION

20 BY MR. HARTLEY:

21 Q Good morning, HXXXXX.

22 A Good morning.

23 Q Do you know who I am?

24 A A lawyer.

25 Q Okay. Do you know what my job is in this trial?

1 A Yeah.

2 Q What is it?

3 A To defend Mr. Raymond.

4 Q Okay. Now, HXXXXX, I'm going to have a number of
5 questions for you this morning and if you don't
6 understand any of them, don't hesitate to let me know
7 that I'm confusing you; okay?

8 A Okay.

9 Q Just ask me to ask it again and I'll try to ask it
10 a different way.

11 A Okay.

12 Q Now, HXXXXX, you were diagnosed back a few years
13 ago with a psychotic disorder; do you remember that?

14 A What do you mean by "psychotic?"

15 Q Well, you were hearing voices?

16 A Yes.

17 Q Voices that weren't really there?

18 A Yes.

19 Q You were seeing things that weren't really there?

20 A Yeah.

21 Q And you went to see some doctors?

22 A Yes.

23 Q Because of that?

24 A Yes.

25 Q Do you remember taking -- having some evaluations

1 where you would take some tests?

2 A Yes.

3 Q Answer a lot of questions from the doctors?

4 A Yes.

5 Q Do you remember anyone telling you that they
6 thought you had a psychotic disorder?

7 A No.

8 Q Okay. Do you remember people telling you that
9 they thought you were -- you were sick mentally, you
10 had some problems?

11 A Yes.

12 Q And they gave you some medications to work on
13 those problems?

14 A Yes.

15 Q Okay. Do you remember people also telling you
16 that you were diagnosed having post traumatic stress?

17 A You mean, um -- can you rephrase it?

18 Q Do you remember any of the doctors telling you
19 that you had something called Post Traumatic Stress
20 Disorder; do you remember that?

21 A All I remember is terms like "traumatization."

22 Q Okay. All right, you remember that? Now, when
23 you were meeting these doctors back around five years
24 ago, do you remember -- it was your mom who first sent
25 you to the doctors; is that right?

1 A Yes.

2 Q And that's because your mom -- you had told your
3 mom that you were hearing voices and seeing things?

4 A Yes.

5 Q And do you remember telling your mom that you saw
6 a little boy with green eyes and brown hair that came
7 at you with a knife?

8 A No.

9 Q Okay. What do you remember about the things that
10 you saw in your head?

11 A Like a little small mouse that would keep coming
12 closer, getting closer, and then kept getting back in
13 the hole.

14 Q I'm sorry, it was what, a small mouse?

15 A Yeah, a mouse.

16 Q Okay. And do you remember that people were
17 telling you -- do you remember things getting worse and
18 worse for a time period there in terms of what the
19 voices and the things you were seeing?

20 A What do you mean?

21 Q Well, was there a time period where you were
22 getting sicker and sicker?

23 A I don't know. What do you mean?

24 Q Okay, fair enough. Now, do you remember that you
25 had become violent because of some of those voices?

1 A No.

2 Q Would your mom have told people that you would
3 hurt other children when you heard a voice that told
4 you to do that?

5 A Yeah.

6 Q Would your mom have said that you called that
7 voice your "daddy voice"?

8 A I don't remember calling it that.

9 Q Okay. But there was one voice in particular --

10 A Yeah.

11 Q -- that -- okay. And do you remember that you
12 talked to your counselor, to these doctors about having
13 two parts of yourself; one evil and one nice?

14 A No.

15 Q You don't remember saying that?

16 A No.

17 Q Do you remember explaining why it was that you had
18 become violent towards some kids? Do you remember
19 talking with counselors about that?

20 A Yeah.

21 Q What do you remember telling them about that?

22 A Meaning?

23 Q What did you tell the doctors, when the doctors
24 were asking you why you would hurt other kids, what did
25 you tell them?

1 A That I got told to by the voices.

2 Q Now, you also, as Mr. Wolff -- as the prosecutor
3 asked you, you were hospitalized two times for this?

4 A Yes.

5 Q Okay, and you also -- do you remember going to see
6 a psychologist, a doctor?

7 Do you remember when you were hospitalized at
8 Spring Harbor that they did a whole test where they
9 asked you to fill out -- this standardized test and
10 asked you all kinds of questions and do you remember
11 them telling you that you had a borderline short-term
12 memory?

13 A No.

14 Q Do you remember anyone telling you that you had
15 problems with your memory?

16 A No.

17 Q And do you remember any problems with your memory?

18 A No.

19 Q You don't remember that?

20 A No.

21 Q Tell me about back then when you were
22 hospitalized. Tell me about what was going on inside
23 your head. What were you thinking from day-to-day?
24 What was your -- what were your thoughts like back
25 then?

1 A I don't know.

2 Q When you got up in the morning, what was it like?

3 A It was kind of almost like how you would do
4 things.

5 Q Okay. So you would go downstairs and have
6 breakfast?

7 A Yeah.

8 Q And then as you were sitting eating breakfast,
9 would you hear things?

10 A Yes.

11 Q And what kinds of stuff?

12 A I don't remember what I would hear, but I would
13 hear something.

14 Q I'm sorry?

15 A I said I don't remember what I would hear, but I
16 would hear something.

17 Q Okay. Was it voices or noises or --

18 A Somebody talking.

19 Q Okay. Always the same person?

20 A Yes.

21 Q Do you remember telling the doctors that there
22 were five different voices?

23 A No.

24 Q You remember just one now?

25 A Yes.

1 Q Okay, and what did they tell you?

2 A What do you mean?

3 Q What did the voices or the voice, what did the
4 voice say to you?

5 A I don't remember what they told me.

6 Q Okay, and at the time when you were hearing these
7 voices, did you think they were real?

8 A Yeah.

9 Q Okay, and at some point afterwards, did you
10 realize that they weren't real?

11 A Yeah.

12 Q When did you realize that they weren't real?

13 A When I got medication and it started making it go
14 away.

15 Q Okay. And did that happen all at once?

16 A What?

17 Q Did that happen all at once that the voices went
18 away?

19 A No. It took some time before they went away.

20 Q Are you currently taking any medications?

21 A No.

22 Q Okay, and when did you stop taking the
23 medications?

24 A A few months ago.

25 Q A few months ago?

1 A Yes.

2 Q Okay. Now, do you remember that while you --
3 during this period when you were hospitalized, that at
4 one point you had an evaluation because your mom was
5 worried about -- that you had been abused?

6 A No.

7 Q Okay. Do you remember your mom saying that you
8 had been -- that she thought that you may have been
9 mentally and/or sexually abused?

10 A No.

11 Q And did that happen? When you were younger, long
12 before Mr. Raymond came along, do you remember being
13 sexually abused?

14 A No.

15 Q Do you remember being abused mentally?

16 A What do you mean?

17 Q Well, did you have -- did you have problems
18 because people had been mean to you?

19 A I don't understand.

20 Q What was -- when you were young, say five years
21 old, four years old, three years old, were things good
22 in terms of all the people around you?

23 A I don't remember that far back.

24 Q Okay. Is there anything that you remember that's
25 not good?

1 A When I was younger?

2 Q Yes.

3 A Well, being with him.

4 Q I'm sorry?

5 MR. WOLFF: Your Honor, may we approach?

6 THE COURT: Yes.

7 (SIDEBAR)

8 MR. WOLFF: Your Honor, it was my
9 understanding from our conference pretrial that this
10 was going to be focused on the symptoms, diagnosis,
11 treatment, and now we're getting into the exact sort of
12 stressors and underlying things that I thought we were
13 going to stay away from.

14 MR. HARTLEY: Your Honor, I've tried to remain
15 vague, but I am done with this line of questioning.
16 I've gone on asking her now about the report itself and
17 the fact that she had a discussion with this counselor
18 about sexual abuse, and the reason I am doing that is
19 because, as I said before, that I plan on moving
20 forward and the fact that she did not report --

21 THE COURT: This moves to the discussion with
22 the counselor?

23 MR. HARTLEY: Right now, yes.

24 MR. WOLFF: Your Honor, just so the record is
25 clear, the reason that this witness may not be

1 understanding this line of questioning is that she
2 denied ever being abused. It's not like she ever
3 opened up to somebody and discussed it. She denied any
4 abuse.

5 THE COURT: You may want to take that into
6 account in your questioning.

7 MR. HARTLEY: Right.

8 (OPEN COURT)

9 THE COURT: Go ahead, Mr. Hartley.

10 BY MR. HARTLEY:

11 Q HXXXXX, do you remember meeting with somebody who
12 asked you questions about sexual abuse?

13 A No.

14 Q Do you remember --

15 MR. HARTLEY: Judge, may we approach sidebar?

16 THE COURT: Yes.

17 (SIDEBAR)

18 MR. HARTLEY: I would offer the records to
19 refresh her recollection. I was specifically offering
20 the Spurwink report which details a conversation that
21 the reporter had with her about asking her questions
22 about sexual abuse. It's true she denied it, but she
23 has right now said that she does not recall ever having
24 a conversation about sexual issue.

25 MR. WOLFF: And I think the problem may be

1 about this age, and I appreciate what -- if somebody
2 says to me have you ever talked about sexual abuse, I
3 think that's too abstract a term for her to understand
4 a particular conversation. I think that may be part of
5 what's going on here, and I think that it's --

6 THE COURT: What was the terminology used?

7 MR. HARTLEY: It was "sexual abuse," but I'm
8 being vague because I understood that was the
9 Government's concern. I can be more specific.

10 MR. WOLFF: No. What I'm saying, Your Honor,
11 is that it just may be difficult for her to understand.
12 Maybe he can talk about a timeframe or maybe who she
13 spoke with, just some details about that particular
14 interview, because I think if you say have you ever
15 been talked to about sexual abuse --

16 THE COURT: Can you say did you talk to doctor
17 so and so --

18 MR. HARTLEY: Certainly. I'd be happy to.
19 I've purposefully been vague because I thought that was
20 the concern.

21 THE COURT: Well, let's try a name and date
22 and, if necessary, we will get to the records, but
23 let's use the name or date to refresh her.

24 (OPEN COURT)

25 THE COURT: Go ahead.

1 BY MR. HARTLEY:

2 Q HXXXXX, I'm going to try to be a little bit more
3 specific in my questions to see if that helps you
4 remember what I'm talking about when I ask you about
5 conversations about sexual abuse.

6 Do you remember in January of 2006 meeting
7 with a doctor, a doctor -- excuse me, yes, a Dr.
8 Michael Broderick at Spring Harbor Hospital?

9 A No.

10 Q Do you remember around that time meeting with
11 anybody where your mom referred you because she thought
12 you had been sexually abused?

13 A I talked to a lot of people, but I don't remember
14 any of them.

15 Q Okay. Do you remember a specific evaluation --
16 this might have been different than some of the other
17 evaluations -- where the person you were sitting down
18 and talking with said that they wanted to know about
19 your past and whether you had been abused sexually?

20 A No.

21 Q You don't remember meeting with anyone about that?

22 A No.

23 THE COURT: Mr. Wolff, any objection?

24 MR. WOLFF: I'm sorry, Your Honor?

25 THE COURT: Any objection to presenting the

1 records to refresh?

2 MR. WOLFF: No.

3 THE COURT: Go ahead, Mr. Hartley.

4 BY MR. HARTLEY:

5 Q If I can just ask you to read that. I'm showing
6 you what has been marked and admitted as Defendant's
7 Exhibit 3 and I can refer you to page 43 of that
8 exhibit.

9 About halfway down that page, it starts with a
10 caption that says "abuse assessment," and HXXXXX, I'll
11 just ask you to read to yourself the rest of that page
12 and follow over on to the next page until -- and until
13 it refreshes your memory taking a look at that.

14 THE COURT: Are you done reading?

15 A Yes.

16 BY MR. HARTLEY:

17 Q Does that help refresh your memory about meeting
18 with someone?

19 A Yeah, I think so.

20 Q Okay, and now, do you remember meeting with
21 someone who asked you whether you had been abused?

22 A Yes.

23 Q And do you remember that person asking you
24 specific questions of do you -- for example, do you
25 know what the parts of your body are?

1 A Yes.

2 Q And do you remember that person asking you
3 specific questions of -- about whether or not people
4 had touched you or done other things in a sexual
5 manner?

6 A Yes.

7 Q Do you remember that?

8 A Yup.

9 Q Okay, and do you remember answering those
10 questions?

11 A Yes.

12 Q And in fact, do you remember that you actually --
13 you said that it didn't happen?

14 A Right.

15 Q Okay. Now, what was this -- was this a good
16 experience, this interview?

17 A It was weird.

18 Q Okay. Okay, did you think that the person who was
19 interviewing you was really interested in what you had
20 to say?

21 A I don't know.

22 Q Okay. Did you think that if you had said you were
23 abused, that they would have helped you?

24 A Yes.

25 MR. HARTLEY: You can go ahead and put that --

1 actually, I'll take that back from you. Thank you.

2 BY MR. HARTLEY:

3 Q Now, in the summer of 2007, were you seeing any
4 counselors?

5 A Yeah.

6 Q And how often did you meet with a counselor?

7 A Once a week.

8 Q And where did you go and meet with that counselor?

9 A In her office.

10 Q Was that somewhere around here?

11 A In Portland.

12 Q I'm sorry?

13 A In Portland.

14 Q Okay. Now, let's back up a little bit. You first
15 met Mr. Raymond when you started music class?

16 A Yes.

17 Q And that was in fifth grade?

18 A Yes.

19 Q And in fifth grade, you also had chorus with Mr.
20 Raymond?

21 A Yes.

22 Q And now chorus is a -- it's something that you
23 elect to do, it's not a required class; right?

24 A Right.

25 Q And that was something that you chose to do?

1 A Yes.

2 Q And that was after school chorus?

3 A Yes.

4 Q There was some time during that -- in your fifth
5 grade year when something happened that embarrassed you
6 in the class?

7 A Yes.

8 Q Okay, and what was that?

9 A I don't remember.

10 Q Okay, and you just remembered that you were
11 embarrassed?

12 A Yes.

13 Q And did you talk with Mr. Raymond about that and
14 say --

15 A No.

16 Q Okay, you never -- you just sort of went on with
17 things.

18 A Yes.

19 Q But now, you testified earlier that you thought
20 before the summer of 2007, that you thought Mr. Raymond
21 was weird?

22 A Yes.

23 Q So while you were in his chorus class, that whole
24 year you thought he was weird?

25 A Yes.

1 Q Now, I'm going to jump forward a little bit and
2 ask you about the time before the first trip in Mr.
3 Raymond's car to New Hampshire.

4 You testified earlier that the first
5 conversation about this was when he called your house
6 and talked with your mother?

7 A Yes.

8 Q Now, do you remember July 4th of that year?

9 A What about it?

10 Q Do you remember July 4th?

11 A Yes.

12 Q Do you remember what you did on July 4th?

13 A Yeah.

14 Q Did you go to the fireworks?

15 A Went to the beach and then the fireworks.

16 Q Okay. Now, at the fireworks -- you went to which
17 fireworks?

18 A The one's in town.

19 Q The one's in Auburn?

20 A Yes.

21 Q And there is a lot of people on the street
22 watching those?

23 A Yes.

24 Q And do you remember seeing -- and you were with
25 your sister; right?

1 A Yes.

2 Q And your mom?

3 A Yes.

4 Q And your mom's boyfriend at the time?

5 A I don't remember.

6 Q Okay. Do you remember seeing Mr. Raymond at the
7 fireworks?

8 A No.

9 Q You say that you didn't meet him or that you just
10 don't remember?

11 A I don't remember.

12 Q And do you remember seeing any other teachers at
13 the fireworks that evening?

14 A No.

15 Q Okay. Tell me what you do remember about the
16 fireworks that evening?

17 A They were good.

18 Q Okay. Do you remember meeting anyone at the
19 fireworks?

20 A No.

21 Q So you might have actually met Jim Raymond?

22 A I don't know.

23 Q How long -- the telephone call that you were
24 talking about that you said was the first contact,
25 first conversation about going to New Hampshire, how

1 long after July 4th was that?

2 A I don't know.

3 Q Well, if you went to New Hampshire on July --
4 around July 13th -- excuse me, July 14th, it must have
5 been fairly soon after July 4th that you talked -- that
6 your mom talked on the phone with Mr. Raymond.

7 A I don't --

8 Q You don't know? Okay. How many times before you
9 went on this first trip, how many times did your mom
10 talk on the phone with Mr. Raymond?

11 A As far as I can remember, once.

12 Q Okay, and were you actually there, did you hear
13 your mom talking to him?

14 A No.

15 Q How do you know that she talked to him? Did she
16 tell you afterwards?

17 A Yes.

18 Q And then -- we're jumping around a little bit, but
19 after the two trips, tell me about between the August
20 trip and when Mr. Raymond got arrested for the other
21 matter, what kind of contact did he have with you and
22 your mom at your house?

23 A What do you mean?

24 Q Well, did he come over to the house at all?

25 A No.

1 Q Did he call?

2 A Not that I remember.

3 Q Okay. Do you remember testifying at the Grand
4 Jury that he kept calling your mom after the second
5 trip?

6 A No.

7 MR. HARTLEY: I'm sorry, am I on Exhibit
8 Number 5?

9 THE CLERK: Number 4.

10 MR. HARTLEY: 4.

11 BY MR. HARTLEY:

12 Q Showing you what I've marked as Defendant's
13 Exhibit 4 and HXXXXX, I'm going to ask you to turn to
14 page 24 and about halfway down that page, you said
15 well, he kept calling our house. I don't know why
16 though. I didn't ask my mom. He kept calling and
17 talking to her about something. I think it was just --
18 he kept talking about the trip; do you see that?

19 A Yeah.

20 Q Had you -- now, is that accurate, that Jim
21 Raymond, after the second August trip, did he keep
22 calling and talking with your mom?

23 A I don't know.

24 MR. WOLFF: Objection, Your Honor.

25 THE COURT: Basis?

1 MR. WOLFF: It's a mischaracterization of her
2 statement and he's using it to refresh her memory from
3 this record.

4 THE COURT: Counsel, first of all, I take
5 it -- you haven't identified this exhibit, I take it
6 this is a transcript of the Grand Jury testimony?

7 MR. HARTLEY: Of the Grand Jury testimony
8 under oath.

9 THE COURT: Okay. Objection overruled. Ask
10 the question again.

11 BY MR. HARTLEY:

12 Q So after the second trip, the August trip that you
13 and your sister took with Jim Raymond, you're saying
14 that he didn't keep calling?

15 THE COURT: You're asking her now?

16 MR. HARTLEY: That's right.

17 THE COURT: All right.

18 A I don't remember.

19 BY MR. HARTLEY:

20 Q Okay. Now, you testified earlier today about this
21 incident where Jim Raymond was touching you on the bus
22 trip back in June?

23 A Yes.

24 Q And then you've testified about these two trips
25 over the summer where he continued to touch you, to

1 touch your breasts, to touch your private area, to
2 touch your legs, to touch your buttocks and now, this
3 was exactly the type of thing that you had talked about
4 with that doctor when you had the evaluation that we
5 were just talking about, right, about whether you'd
6 been sexually abused?

7 A Right.

8 Q Right?

9 A Like what?

10 Q Well, we just talked about, I showed you the
11 report to refresh your memory about when your mom had
12 consulted with that doctor?

13 A Yes.

14 Q And you had this conversation about -- with the
15 doctor about whether you were sexually abused; right?

16 A Right.

17 Q And the doctor was asking you about whether you
18 had been touched?

19 A Yes.

20 Q About whether other bad things had happened to
21 you; right?

22 A Yeah.

23 Q And you had -- actually at that point, you were
24 denying it. You said no, I wasn't; right?

25 A It was before then.

1 Q Right. Exactly, and you told me earlier that that
2 doctor, that you saw that doctor, that the doctor would
3 help you if you had said something; right?

4 A Right.

5 Q And now, after all of these incidents with Jim
6 Raymond, you were seeing a counselor during this whole
7 period once a week; right?

8 A Yeah.

9 Q And you knew that there were doctors out there
10 whose job it was to help you if you had been abused;
11 right?

12 A Yes.

13 Q And you never once mentioned to your counselor
14 during any of those meetings about all of this sexual
15 abuse that was going on with your teacher?

16 A Right.

17 Q Even though you knew that there was someone there
18 to help if you just said something?

19 A Yes.

20 Q Now, do you remember that fall, shortly before you
21 wound up talking with your mom about this, do you
22 remember when there were all these news reports about
23 Jim Raymond being arrested for touching someone else?

24 A Yes.

25 Q Did you actually -- did you watch the news?

1 A No.

2 Q Okay. Do you remember a lot of people talking
3 about it?

4 A Yeah.

5 Q Did your mom talk about it?

6 A Yeah.

7 Q Did your friends talk about it?

8 A Yeah.

9 Q And is it fair to say that that was a pretty big
10 deal?

11 A Yeah.

12 Q And was everyone sort of looking at each other to
13 see, you know, had you spent time with Mr. Raymond,
14 were you touched by Mr. Raymond?

15 A No. The three of us were just talking about it.
16 We didn't ask anybody anything.

17 Q Okay. People were pretty interested in it?

18 A Yeah.

19 Q And you learned pretty early on there that Jim
20 Raymond was a bad person; is that right?

21 A Yeah.

22 Q Do you remember when the lady at the Spurwink
23 evaluation asked why you were there you said because of
24 bad people; right?

25 A Yeah.

1 Q And people had told you that this was not -- this
2 was a sex molester; correct?

3 A What?

4 Q People had told you that Jim Raymond was a bad
5 person, that he abused people?

6 A Yes.

7 Q Now, when you first -- the first person that you
8 actually met with, first law enforcement was Officer
9 Poulin; do you remember that?

10 A Yes.

11 Q And now, was there anyone before that you had
12 actually sat down with and had talked about these
13 incidents with?

14 A No.

15 Q Do you remember when you talked with Officer
16 Poulin, do you remember telling him that Mr. Raymond,
17 that he made you sit in the back of the bus with him?

18 A No.

19 Q Do you remember Officer -- telling Officer Poulin
20 that you thought you had done something wrong, or that
21 you were bad on the bus since he was a teacher and he
22 was making you sit in the back?

23 A No.

24 MR. HARTLEY: May I approach, Your Honor?

25 THE COURT: Yes.

1 BY MR. HARTLEY:

2 Q I'm showing you what I've marked as Defendant's
3 Exhibit 5 and I'm referring you about two-thirds of the
4 way down that page to the sentence that starts "on the
5 way back, Mr. Raymond -- " and I would ask you to read
6 to yourself the next several lines.

7 Does that help refresh your memory about what
8 you told Officer Poulin?

9 A I don't remember saying that.

10 Q Okay. What did you tell Officer Poulin?

11 A I don't remember.

12 Q Okay. Now, when you talked with Officer Poulin,
13 this was -- the reason he had come over to meet with
14 you was your mom had reported that you had been alone
15 with him on two trips to New Hampshire; right?

16 A Um hum, yeah.

17 Q And when you met with Officer Poulin, did you tell
18 him anything about being touched on the two trips, on
19 the two trips to New Hampshire?

20 A I can't remember.

21 Q The next thing after meeting with Officer Poulin
22 was he actually brought you to Spurwink for the
23 evaluation with the social worker; right?

24 A Yes.

25 Q And when you got there now, Officer Poulin didn't

1 actually come in to the meeting; right, he stayed
2 outside?

3 A Yeah.

4 Q Was there anyone else with you in the meeting
5 besides just you and the woman you met with?

6 A Not that I remember.

7 Q Okay. Do you remember that meeting?

8 A Kind of.

9 Q Okay. Now, do you remember at the end of that
10 meeting, do you remember the woman asking you if there
11 was anything else that you guys should talk about,
12 anything that she hadn't covered with you?

13 A Yeah.

14 Q Okay, and do you remember telling her no?

15 A Yeah.

16 Q And the reason you told her no was because you
17 talked about everything there was to talk about; right?

18 A Well, yeah, with them.

19 Q I'm sorry?

20 A I said yes.

21 Q And do you think that you remember these trips
22 better now or did you remember them better then?

23 A I don't know.

24 Q Well, right now, do you remember what you did the
25 day before the first trip that you went to New

1 Hampshire?

2 A I hung around the house.

3 Q What's that?

4 A I hung around the house.

5 Q And what did you do?

6 A Just watched TV.

7 Q Okay. What shows?

8 A I don't know.

9 Q That was a long time ago; right?

10 A Yeah.

11 Q And as you've prepared to testify here today, did
12 you look at any of the old statements about what you
13 had said?

14 A No.

15 Q But you met pretty recently with the gentleman
16 behind me, the prosecutor?

17 A Yeah.

18 Q Okay. Now, in that evaluation that you had at
19 Spurwink, before the evaluator, the woman, asked you if
20 there was anything else you needed to cover, she asked
21 you about whether Jim Raymond touched you on you --
22 touched you at all on the second trip; right?

23 A Yeah.

24 Q And you told her no, that he hadn't done anything
25 inappropriate on the second trip?

1 A Right.

2 Q And then after you told her he hadn't done
3 anything inappropriate, you said you covered everything
4 that there was to cover?

5 A Right.

6 Q Now, when Mr. Wolff was telling us -- was asking
7 you questions earlier, he said well, why didn't you
8 talk about everything with the lady at the Spurwink
9 evaluation; do you remember that?

10 A Yes.

11 Q And what was your answer for why you didn't tell
12 her everything?

13 A I was scared and embarrassed.

14 Q Okay. Now, what -- when did you stop being scared
15 and embarrassed?

16 A I still am scared and embarrassed about it.

17 Q Okay. What's different now as compared to when
18 you met with that evaluator?

19 A I'm older. I got them to help me learn why I
20 wanted to be in here.

21 Q Well, when you were in that Spurwink evaluation,
22 you told her that Jim Raymond touched you on the leg on
23 the first trip?

24 A Yeah.

25 Q So why would you be scared and embarrassed to say

1 that he did it on the second trip? What's the
2 difference?

3 A Because I felt that if I told her he did it again,
4 I would get more embarrassed because I was embarrassed
5 to talk to her -- to tell her the first time.

6 Q Did she tell you that it was important for you to
7 tell her the truth?

8 A Yes.

9 Q Did you tell her that you were going to tell her
10 the truth?

11 A Yes.

12 Q What you're saying here is that you told her part
13 of the truth and just decided not to tell her the rest
14 of the truth?

15 A Yes.

16 Q When you were preparing for your trial testimony
17 here with the prosecutor, did he tell you that it was
18 important for you to tell the truth?

19 A Yes.

20 Q Did you tell him that you were going to tell the
21 truth?

22 A Yes.

23 Q Just like you had told the lady back at Spurwink?

24 A Yes.

25 Q Now, after you met with that lady at Spurwink, the

1 next thing was that you testified in front of the Grand
2 Jury?

3 A Um hum.

4 Q And did anyone else talk with you in-between then
5 about the substance of what we're talking about?

6 A I don't think so.

7 Q Are you sure?

8 A Yes.

9 Q How about family?

10 A No.

11 Q Did your mother?

12 A No.

13 Q Never asked you any more questions about what
14 happened with Mr. Raymond?

15 A Well, she asked me, but I didn't really answer
16 them.

17 Q Okay. Now, you said in the Grand Jury that you
18 had heard Jim Raymond got arrested for taking a child's
19 clothes off; do you remember that?

20 A Yes.

21 Q And who told you that?

22 A TXXXXX.

23 Q Okay. He had been arrested for taking a child's
24 clothes off?

25 A Yes.

1 Q And did anyone tell you that Jim Raymond had
2 confessed?

3 A No.

4 Q Okay. People tell you that he was a sex offender?

5 A Yes.

6 Q Now, in the Grand Jury, you were under oath, swear
7 to tell the truth, the whole truth and nothing but the
8 truth?

9 A Yes.

10 Q And do you remember -- well, backing up. In
11 the -- at the Spurwink interview, you never mentioned
12 to anything about Jim Raymond inviting you on to his
13 bed?

14 A What?

15 Q You never said anything about him inviting you on
16 to his bed?

17 A I must have forgot.

18 Q Okay, and then at the Grand Jury, you said that he
19 invited you on to his bed ten or 11 times; right?

20 A I don't know.

21 Q And today you said that he invited you on to his
22 bed three or four times?

23 A Well, because to me it felt like a lot, right?

24 Q You understand that -- it was a long time ago;
25 right?

1 A Yes.

2 Q Your memory, you forget things as time goes by;
3 right?

4 A Yes.

5 Q But you understand that when you're under oath,
6 you can say "I don't remember;" right, you know that?

7 A Yes.

8 Q But if you say something under oath, then we all
9 have to think that it's the truth.

10 A Yes.

11 Q Well, was it no times, was it three or four times,
12 or was it ten or 11 times?

13 A Three or four times.

14 Q Okay. So now you're sure it was three or four
15 times?

16 A Yes.

17 Q And the first time out of that three or four
18 times, how did he invite you on to the bed?

19 A He said why don't you hop on.

20 Q And what did you say?

21 A I said no, I'm comfortable.

22 Q And what were you doing at that point?

23 A Just sitting on the floor.

24 Q How about the second time?

25 A I was sitting with CXXXXXX playing patty cake.

1 Q And what did he say?

2 A He said why don't you guys hop on the bed, and I
3 said we were playing and we just kept playing back and
4 forth.

5 Q And how about the third time?

6 A What?

7 Q How about the third time?

8 THE COURT: The witness thought you're talking
9 about the two incidents, not the number of times of the
10 first incident.

11 MR. HARTLEY: I'm sorry?

12 THE COURT: The witness thought you were
13 talking about the two different trips. You're now
14 talking about the first trip, so please clarify.

15 MR. HARTLEY: I think we misunderstood each
16 other.

17 BY MR. HARTLEY:

18 Q You told me on the first trip -- I understood that
19 you told me on the first trip that he invited you on to
20 his bed three or four times.

21 A Yes.

22 Q And I'm asking you now to tell me about each one
23 of those three or four times when he invited you on to
24 the bed.

25 A Oh. He just asked me to hop on and I said no, and

1 I just sat there, and he asked me again a couple
2 minutes do you want to get on and I said no and he just
3 kept saying the same thing.

4 Q Okay, and when you said ten or 11 times under oath
5 at the Grand Jury, why did you say that?

6 A Because it felt like he kept asking it.

7 Q Okay, but now you know that he didn't?

8 A Yeah.

9 Q Now, you testified here about riding the inner
10 tube and that on the first trip when you rode the
11 interview -- excuse me, the inner tube, that he
12 touched -- Mr. Raymond touched your private area?

13 A Yes.

14 Q And that on the second trip when you rode the
15 inner tube ride, that Mr. Raymond touched your breasts?

16 A Yes.

17 Q Do you remember in the Spurwink interview that the
18 interviewer, she specifically asked you -- you called
19 it the "tubey" ride?

20 A Yes.

21 Q And do you remember her asking you where were Mr.
22 Raymond's hand while you were on the tubey ride?

23 A Yes.

24 Q And do you remember telling her that his hands
25 were on the handles?

1 A No.

2 Q Well, if you had told her that his hands were on
3 the handles, that would not have been true, correct,
4 from what you're telling us?

5 A Right.

6 Q So the state trial for Jim Raymond, that was a
7 couple of years ago?

8 A I don't know.

9 Q Okay, and now between then and now, can you tell
10 me what kind of contact you've had with either police
11 or the prosecutors in terms of this case?

12 A What do you mean?

13 Q Well, people have been contacting you to tell you
14 what's going on here?

15 A Yes.

16 Q Did you -- when did you know that you were going
17 to be coming in and testifying?

18 A When did I know I was coming in?

19 Q Yes.

20 A When they told me which I can't remember when they
21 told me.

22 Q Okay. Well, was it last week, last month, last
23 year?

24 A I don't remember.

25 Q Okay. Did you talk with your mom at all after you

1 learned that you were actually going to be a witness in
2 this trial?

3 A No, not really.

4 Q Okay. Did you talk with anyone, have you spoken
5 with anyone about the fact that you're here testifying
6 today?

7 A No.

8 Q Okay. Nobody at all?

9 A No.

10 Q Okay. So you don't have a guardian who you talk
11 about from time to time about things?

12 A What?

13 Q Do you have a guardian, somebody who you talk with
14 about things?

15 A Yeah.

16 Q Okay, but you had never spoken with her about your
17 testimony here at trial?

18 A Right.

19 Q Okay. Not once?

20 A No.

21 Q Where is your guardian?

22 A Mom?

23 Q I'm sorry?

24 A My mom?

25 Q Don't you have another guardian?

1 A What?

2 Q Is there a woman who kind of looks out for you,
3 who meets with you and talks with you and someone who
4 the court in the state case appointed?

5 A I don't understand.

6 Q Now, do you have somebody, besides your mom, is
7 there somebody who you spend time with, who talks with
8 you, who kind of checks up on you?

9 A No.

10 Q You don't have any kind of guardian, okay. Do you
11 have any -- are you meeting with anyone, outside of
12 your mom, obviously, you talk to your mom, is there
13 anybody else, any kind of social worker who you meet
14 with?

15 A No. Just my counselor.

16 Q Okay, and where is your counselor? Where is your
17 counselor?

18 A Florida.

19 Q In Florida?

20 A Yeah.

21 Q Okay, and you haven't spoken about this with
22 anyone at all?

23 A No.

24 Q What do you think -- what do you think the purpose
25 is of this trial?

1 A To find out what's going on with Mr. Raymond.

2 Q Okay, and what's your role in all this?

3 A To tell what happened.

4 Q What do you think your role was when you were
5 meeting with the Spurwink evaluator?

6 A I don't know.

7 MR. HARTLEY: Thank you. Nothing further.

8 THE COURT: Thank you, Mr. Hartley. Mr.
9 Wolff.

10 MR. WOLFF: Thank you, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. WOLFF:

13 Q HXXXXX, did you have any trouble understanding
14 what Mr. Raymond was doing around the time of the
15 Canobie Lake trips?

16 A No.

17 Q The report that Mr. Hartley was showing you about
18 that meeting that you had with the interviewer from
19 Spurwink two years ago, had you ever seen that report
20 before today?

21 A No.

22 Q Did you think Mr. Raymond was a bad person before
23 he started touching you?

24 A No. I just thought he was weird.

25 Q Why do you remember what Mr. Raymond did to you

1 back in -- around the trips to Canobie Lake?

2 A Say that again?

3 Q Why do you remember what Mr. Raymond did to you?

4 A Why?

5 Q Yes.

6 A Because I didn't like it.

7 Q Do you remember telling the Spurwink -- the woman
8 from Spurwink who interviewed you after all this
9 happened that Mr. Raymond said that you could sit on
10 the bed and watch a movie, but that you didn't want to?

11 A No.

12 Q You don't remember that?

13 A No.

14 Q And Mr. Hartley was asking you questions about a
15 guardian. Just so we're clear, you know somebody named
16 Ellen Epstein; is that right?

17 A Yes.

18 Q And Ellen, she's in the courtroom today?

19 A Yes.

20 Q And she has met with you during the course of this
21 case; right?

22 A Right.

23 Q But have you ever spoken with her about your
24 testimony?

25 A I don't understand.

1 Q Have you ever told Ellen what you were going to
2 say at trial?

3 A No.

4 MR. WOLFF: Thank you.

5 THE COURT: Anything further, Mr. Hartley?

6 MR. HARTLEY: No, thank you.

7 THE COURT: All right. Thank you, HXXXXX.

8 You can just leave the papers right there. Give the
9 papers to this woman right here. You can step down.
10 Thank you very much.

11 (END OF EXCERPT)

12 C E R T I F I C A T I O N

13 I, Dennis R. Ford, Registered Merit Reporter and
14 Official Court Reporter for the United States District
15 Court, District of Maine, certify that the foregoing is
16 a correct transcript from the record of proceedings in
17 the above-entitled matter.

18 Dated: April 27, 2010

19 /s/ Dennis R. Ford

20 Official Court Reporter

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23

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